

Appl. No. 09/878,630
Ampl. Dated June 30, 2004
Reply to Office Action of April 9, 2004

REMARKS

In response to the Office Action dated April 9, 2004, Applicant respectfully requests reconsideration based on the above amendments and following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-17 have been rejected. Claims 1, 9-10 and 14 have been amended, claim 12 has been canceled without prejudice, leaving claims 1-11 and 13-17 for consideration upon the entry of the amendment. Support for the amendment can be found in the entire specification, for example, on page 12, lines 11-15 and on page 14, lines 12-20 of the Application. No new matter has been added by the amendment.

Claim Rejections under 35 USC 102

Claims 1, 6-7

Claims 1, 6 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,400,940 to Sennett (hereinafter "Sennett"). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). However, Sennett neither discloses nor teaches each and every element of independent claims 1 and 10.

Claim 1 is a virtual technician for assisting a user to operate a radiotelephone, the virtual technician being capable of interpreting a technical request and providing a solution for the request, the virtual technician comprising: a computer readable memory on which is stored a computer program, the computer program comprising instructions, when executed by a computer, perform the steps of: receiving a user problem from a user input; receiving manufacturer data; receiving radiotelephone model data; prompting a user to select a high level description of the problem; receiving a specific symptom of the problem; searching for an answer to the user problem stated by the user input; and displaying the answer to the user.

In claim 1, a virtual technician prompts a user to select a high level description of

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a problem, and receives the specific symptoms of the problem. On the contrary, Col. 3 of Sennett simply discloses that a control unit receives a request for help information from a mobile communications device, but does not disclose or teach receiving the high level description of a problem or the specific symptoms of the problem. Thus, Sennett neither discloses nor teaches the element "promoting a user to select a high level description of the problem; receiving a specific symptom of the problem", as recited in claim 1. Accordingly, Sennett neither anticipates nor renders claim 1 obvious.

Claims 6-7 depend from claim 1, thus are believed to be allowable due to their dependency on claim 1.

Claim 14

Claim 14 was rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,622,017 to Hoffman (hereinafter "Hoffman"). Applicant respectfully traverses this rejection.

Claim 14 is a method for assisting a user to program a radiotelephone, the method comprising: receiving first menu data from a server, wherein the first menu data is at least one of programming instructions, trouble shooting tips and radiotelephone features; displaying the first menu on a display device; accepting a first menu selection from the user; and changing internal settings of the radiotelephone based on the user's first menu selection. However, Hoffman neither discloses nor teaches the element "the first menu data is at least one of programming instructions, trouble shooting tips and radiotelephone features", as recited in claim 14. Thus, Hoffman neither anticipates nor renders claim 14 obvious.

Claim Rejections under 35 USC 103

Claims 2-3

Claims 2-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sennett. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior

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art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). However, as described above, Sennett neither teaches nor suggests the element "promoting a user to select a high level description of the problem; receiving a specific symptom of the problem", as recited in claim 1, from which claims 2-3 depend. Claims 2-3 are believed to be allowable due to their dependency on claim 1.

Claims 4-5 and 9

Claims 4-5 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sennett in view of US 6,650,889 to Evans et al. (hereinafter "Evans"). Applicant respectfully traverses this rejection.

Evans discloses a mobile handset for use in a mobile communications system. However, Evans neither teaches nor suggests the element "promoting a user to select a high level description of the problem; receiving a specific symptom of the problem", as recited in claim 1.

Thus, neither Sennett nor Evans, alone or in combination, teaches or suggests the element "promoting a user to select a high level description of the problem; receiving a specific symptom of the problem", as recited in claim 1, from which claims 4-5 and 9 depend. Transmitting information to a user in the described or claimed format allegedly taught by Evans does not cure the deficiencies of Sennett noted above. Claims 4-5 and 9 are believed to be allowable due to their dependency on claim 1.

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Claim 8

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sennett in view of US 6,647,260 to Dusse et al. (hereinafter "Dusse"). Applicant respectfully traverses this rejection.

Dusse discloses a system and method for provisioning a two-way mobile communication device. However, Dusse neither teaches nor suggests the element "promoting a user to select a high level description of the problem; receiving a specific symptom of the problem", as recited in claim 1.

Thus, neither Sennett nor Dusse, alone or in combination, teaches or suggests the element "promoting a user to select a high level description of the problem; receiving a specific symptom of the problem", as recited in claim 1, from which claim 8 depends. A change of features allegedly taught by Dusse does not cure the deficiency noted above. Claim 8 is believed to be allowable due to its dependency on claim 1.

Claims 15-16

Claims 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman. Applicant respectfully traverses this rejection.

As described above, Hoffman neither teaches nor suggests the element "the first menu data is at least one of programming instructions, trouble shooting tips and radiotelephone features", as recited in claim 14, from which claims 15-16 depend. Storing information in different memory areas or registers or displaying different types of phone allegedly known does not cure the deficiency noted above. Claims 15-16 depend from claim 14, and are believed to be allowable due to their dependency on claim 14.

Claim 17

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman in view of Sennett or US 6,636,489 to Fingerhut (hereinafter "Fingerhut"). Applicant respectfully traverses this rejection.

Sennett or Fingerhut does not teach or suggest the element "the first menu data is at least one of programming instructions, trouble shooting tips and radiotelephone features", as recited in claim 14. Thus, none of Hoffman, Sennett and Fingerhut, alone or in combination, teaches or suggests the element "the first menu data is at least one of

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programming instructions, trouble shooting tips and radiotelephone features", as recited in claim 14, from which claim 17 depends. A communication system wherein help menu can be activated in regard to services in allegedly taught by Sennett or a wireless communication system wherein help and service information can be received in allegedly taught by Fingerhut does not cure the deficiency. Claim 17 is believed to be allowable due to its dependency on claim 14.

Claim 10

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman in view of Sennett. Applicant respectfully traverses this rejection.

Claim 10 is a method for providing operational instructions of a radiotelephone to a user, the method comprising: displaying a first menu in an instruction window, wherein the first menu lists a plurality of radiotelephone manufacturers; accepting a selection of a manufacturer; displaying a list of subject topics in the instruction window, wherein the content of the second menu of options depends on the selection of the first option; promoting a user to select a high level description of a problem when a trouble shooting task is selected among the list of the subject topics; displaying specific symptoms of the problem; accepting a selection of the specific symptoms; searching a database for a response, wherein the search uses the manufacturer's information; and displaying the response in a response window.

Neither Hoffman nor Sennett, alone or in combination, teaches or suggests the element "promoting a user to select a high level description of a problem when a trouble shooting task is selected among the list of the subject topics; displaying specific symptoms of the problem; accepting a selection of the specific symptoms", as recited in claim 10. Thus, the combination of Hoffman and Sennett does not render claim 10 obvious.

Claim 13

Claim 13 has not been properly rejected. Claim 13 depends on claim 10 which was rejected based on Hoffman in view of Sennett. In reference to claim 13, the Examiner references the explanation as set forth regarding claim 1. Claim 1, however, was rejected based on Sennett alone under 35 U.S.C. § 102. There is no statement

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concerning the motivation to combine Hoffman and Sennett or how this combination teaches the features of claim 13.

Claim 11

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman in view of Sennett and further in view of Evans. Applicant respectfully traverses this rejection.

None of Hoffman, Sennett and Evans teaches or suggests the element "promoting a user to select a high level description of a problem when a trouble shooting task is selected among the list of the subject topics; displaying specific symptoms of the problem; accepting a selection of the specific symptoms", as recited in claim 10, from which claim 11 depends. A mobile terminal capable of receiving information in a video format allegedly taught by Evans does not cure the deficiency. Claim 11 depends from claim 10, thus is believed to be allowable due to its dependency on claim 10.

Conclusion

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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